

REMARKS

I. Status of the Claims

Prior to the present paper, claims 4-10, 13-19, 25-32, 43-48, 50 and 52-57 were pending and allowed. An Examiner's amendment earlier amended claim 10.

Presently, claim 55 is amended to correct a clerical oversight. No claims have been added or canceled. Claims 4-10, 13-19, 25-32, 43-48, 50 and 52-57 are therefore in the case. According to 37 C.F.R. § 1.121(c), a copy of the pending claims is provided in the amendment section.

II. Approval of Examiner's Amendment

In the Notice of Allowability dated July 18, 2005, an Examiner's amendment amended claim 10. Applicants approve of the amendment to claim 10.

III. Support for Claim 55

Support for the amended claim exists in the pending claims and throughout the original application as filed.

Specifically, claim 55 has been amended to correct a clerical oversight in changing "method" to "kit", so that the claim reflects the preamble of the claim on which it depends.

It will therefore be understood that no new matter is included within the amended claim.

IV. Entry of Amendment

The present amendment is entitled to entry under 37 C.F.R. § 1.312 as it meets each of the following criteria: the amendment is filed with the payment of the issue fee; complies with 37 C.F.R. § 1.121; embodies merely the correction of formal matters in a claim without changing the scope thereof; is needed for proper disclosure and/or protection of the invention; and requires

no substantial amount of additional work on the part of the Office. MPEP 714.16 at MPEP 700-241 to 700-241 (MPEP, August 2005).

In particular, the amendment is needed to correct a formal matter in claim 55; the amendment requires no additional search or examination as the scope of the claim is unchanged; claim 55 is patentable on the same grounds as claim 54 and claim 53, on which it depends, are patentable; and the amendment was not presented earlier because it has just been discovered.

V. Applicants' Comments on Reasons for Allowance

Applicants agree with the Examiner's Statement of Reasons for Allowance set forth in the Notice of Allowability at pages 2 and 3, although Applicants respectfully refer to the additional detailed support in the specification as filed, *e.g.*, as referenced in Applicants' written communications of January 12, 2005. Applicants also additionally refer to their detailed reasoning throughout the prosecution history and thus do not intend to rely solely on the Examiner's Statement of Reasons for Allowance, but on the specification as filed and the prosecution history in entirety.

VI. Applicants' Interview Summaries

Applicants agree with the Examiner's interview summaries for the telephone interviews held on December 06, 2004, December 22, 2004 and March 16, 2005, and additionally refer to Applicants' written communications of January 12, 2005.

VII. Conclusion

In conclusion, Applicants submit that, in light of the foregoing remarks, the present amendment is proper and should be entered. Should Examiner Sharareh have any questions or comments, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

PEREGRINE PHARMACEUTICALS, INC.
Customer No. 000052101



Shelley P.M. Fussey, Ph.D.
Reg. No. 39,458
Agent for Applicants

5353 W. Alabama, Suite 306
Houston, Texas, 77056
(832) 886-5834

Date: October 18, 2005